

**MEETING NOTES**  
**COMMUNITY INVOLVEMENT ADVISORY COUNCIL**

**February 16, 2016**

**Smyrna Area Rest Stop**  
**Smyrna, Delaware**

**Members Present:** Pamela Meitner, LaVaida Owens-White, William Pelham, Marvin Thomas, Joseph Farrell, Robert Frederick, Jason Adkins, Sarah Keifer

**Members Absent:** Anthony Jay Julis, Harold Truxon, Leolga Wright

**DNREC:** James Brunswick, Patrick Emory, Nicole Bixby, Christina Wirtz

**I. Meeting Called to Order**

Mr. Pelham called the meeting to order at 9:35 a.m.

**II. Meeting Protocol Review**

Each Member read a point of the Council's protocol.

**III. Review/Approval of Meeting Notes**

***MOTION was made by Mr. Robert Frederick to approve the December 15, 2015 meeting notes and a second was made by Ms. LaVaida Owens-White. All in favor and the motion carried.***

**IV. New Member Introduction**

James introduced Sarah Keifer as a new member. Ms. Keifer is the Planning Director for Kent County. James also advised the Council that Leolga Wright is also a new member that was unable to attend. Ms. Wright was in charge of the Farm Service Agency in Georgetown and sits on the Indian River School District Board. Mr. Thomas inquired on a status update on other memberships.

James advised the Council that the Deputy Secretary has been pushing for meeting times to be more convenient for citizens to attend. These meetings could create an opportunity for the CIAC to convene meetings on local issues where the Council could open up outside of the normal schedules. A Council member in each county could host or attend a meeting on issues that arise. James offered a current issue that Joe Farrell has raised the expansion of the Harbeson Wastewater Treatment Plant as an example.

The Department has received complaints from local civic and environmental groups that the notifications of the public hearing were posted incorrectly, and that the hearing took place in the wrong Watershed. Groups from the impacted community, Protect Our Indian River, the Harbeson Community Improvement Association, the Socially Responsible Agriculture Project, and unaffiliated people who were volunteers for the DNREC

Tributary Action Teams have all questioned the motives of the Department, and the legitimacy of the Public Hearing process. These groups are planning a public meeting to assert that they were never properly informed about the expansion of the Wastewater Treatment Plant. Joe Farrell believes that it has raised a fundamental problem about the community's trust in the Department's decision-making process. There is a meeting scheduled this evening at the Milton Public Library and some residents of the Milton area are asking to reopen the entire Public Hearing process.

Here is an opportunity for the CIAC involvement. The Council members from Sussex County could host a public workshop just like it did in Millsboro back in 2014. The Council would bring DNREC Division and program staff out to explain all the detailed information surrounding the project. Invite the community, even state and local representatives to one place to get responses to their questions and get all of the facts in one setting. This is the role that the CIAC would play using environmental justice best practices. James advised that the CIAC could build a Title VI Public Involvement Plan process and be proactive by inviting the public to be part of this process.

Ms. Meitner advised she would like to understand fully what the role would be and what their expectations were. James stated the primary function for the CIAC leadership would be as facilitators of the meeting.

Mr. Frederick advised that in the past, they co-chaired in other meetings like this and it is basically like a bridge between DNREC and the community. Mr. Pelham inquired if there was someone there to take minutes. James advised there are not minutes taken at these types of workshops. Mr. Emory advised that the Secretary would like to see more of these types of workshops when there is an issue, basically being proactive instead of reactive in providing information to the community. Mr. Pelham asked that we invite the Deputy Secretary to the next meeting.

There was discussion to change the Council meetings to the first Thursdays of the month. The meetings will now be April 7, June 2 and August 4 at the same location. Mr. Emory advised that for the upcoming meetings that James is going to try and have a speaker lined up for about 30 minutes on different topics.

## **V. Community Environmental Project Fund**

### **A. Penalty Deposits Update**

James advised that as of today there is \$89,263 in the fund. During our last funding cycle there was \$126,000 available. There was \$97,331 given to projects. There is \$29,350 left over from previous funds that will be available in the next cycle. Six new penalties should bring funds up to about \$89,263. James inquired as to what the Councils preference was on the 2016 funding cycle. There may be some other penalties coming in. Ms. Meitner advised that we are letting it slide and the statutory obligation says to give out money every year. Ms. Meitner advised that the effect from approving projects in the fall is that they don't get it until the spring. Ms. Meitner also inquired if James' salary

was still coming out of the fund. Pat advised it is and Mr. Adkins advised it is in the epilogue language. James asked if the Council wants to have a funding cycle in July. Ms. Meitner advised it makes sense to do it in the fall, going forward if there are enough funds available we should also have a spring funding cycle. Mr. Pelham asked how much time James would need to prepare for the cycle. James advised at least six weeks after posting the announcement and advertising the availability of funds.

### **B. Zoological Society Final Report**

James passed around a printed report of the final project. James advised that this project helps the Department meet its environmental justice obligations under the Chesapeake Bay Agreement. The grant provided stipends for students from Title I schools (low income schools) to participate in science based courses in Delaware State Parks. This is the second year that the Council has funded the project. The groups that have been working with the educational staff in the Department of Parks and Recreation to host a spring meeting of science teachers from around the state. The workshop allows teachers from throughout the state to learn about the courses and sign their classes up to participate. The hands on science projects are designed to meet state standards for the science curriculum.

Parks and Recreation educational staff does an excellent job of leveraging additional funds. This particular grant was \$27,000 and Parks was able to provide 4,714 students from 47 schools (41 were Title I) throughout the state with opportunities to participate in science-based programs in our state parks. There was also 5,189 volunteer hours put into the project from Zoological Society members. The state informs teachers to sign their students up.

Looking into the future, as we have diminished penalty funds we may want to prioritize projects similar to this. James advised that there is a film on this project that was produced by the DNREC Public Affairs Office. Ms. Meitner asked if we have a schedule for the funding cycle for 2016 and James advised he would have to look at the calendar. Ms. Meitner encouraged him to have it at the next meeting.

### **C. 2016 Funding Cycle**

James advised he would have an October date by next meeting.

### **D. 2015 Funding Cycle Update**

The Milford project is the only one that has returned the CEPF contract signed and notarized and he has started the process for getting the Purchase Order for the project approved. The grantee for the AmeriCorps project is a DNREC Division. We use a Memorandum of Understanding that only requires the signature of the Division Director. The funds get transferred between Divisions through an Interdepartmental Voucher so there is no need for a formal Purchase order from OMB. Americorps is already underway. Parks has already purchased a majority of the supplies and materials.

Mr. Pelham inquired if there are any other projects that have not returned the signed contracts. James explained, Old Brandywine Village did not have the insurance coverage

to meet OMB requirements, so their Board had to approve the purchase of the insurance policy and send it to OMB for review. The insurance policy has been approved. James is waiting for the signed and notarized contracts. James advised the Town of Leipsic project is waiting for the town council to look at the grant and get the Mayor's signature on the contract. James has been told by the grantee that it was scheduled to happen this week. The pollinator project with Delaware Academy of Science is waiting for the Board President to return this week, but the insurance is in order and the Purchase Order request has been drafted so James expects this project to be ready to start in the next week.

## **VI. Community Ombudsman Report**

### **A. Morningside Village**

James advised that this Home Owners Association (HOA) hasn't been able to pay their dues so their onsite wastewater system was about to fail and would force the department to evict the entire community. During the past two years, the Treasurer and her husband have been stealing from the HOA. A few months ago, they had a subpoena for the records and found that a total of \$20,167 had been stolen over that time. Mr. Pelham wanted to clarify that the Council did not provide any funds to this HOA. James advised the DOJ is treating this seriously and wants jail time because of the risk to public catastrophe and the home values were affected. James handed out information on what the department had come back with in response to James' inquiry on a possible loan for the community. The community has gone forward with trying to have a new election and form a new HOA with the assistance of the State Department of Elections. Once that is done, they will have to have a first annual meeting of HOA with the new budget (currently working on a 3 year budget) and have the community accept it. The HOA will have to agree to meet these conditions then this loan will become a grant and the community will not be responsible for repaying the loan. James advised there are eight other communities in the area that are in similar situations. Mr. Farrell inquired how the Common Interest Community Ombudsman works with James. He advised that that Ombudsman works statewide with over 3,000 communities. During this project, James advised he was able to bring everyone involved in this process from different agencies. There is currently no entity that could take over these types of troubled communities. James told the Council that they have developed a model for a responsible non-profit management organization to form an entity that would be funded by USDA and by statute to take funding from the state revolving fund for wastewater and drinking water projects. James advised that once the RFI (request for information) is completed by non-profit organizations, they are looking to put together a bid for an entity to take over these types of troubled communities.

### **B. Plan4Health Project**

James reported that this is a collaborative project involving; the Office of Planning and Coordination, the DHSS, Division of Public Health, Delaware State University, Kent County and the City of Dover, the EPA and DNREC.

The Office of Planning and Coordination received a \$100,000 grant. The idea behind the grant is to identify environmental health issues in two Kent County locations. The stakeholders will work with the communities in these two locations to develop solutions, or at least plans to address or minimize problem. DNREC's role is to produce maps of all the permitted facilities in two locations. The Department will use CFERST a community mapping tool to identify the vulnerable populations (seniors, children, etc.) in proximity to DNREC facilities. There are 4 Phases. Phase I is focused on the gathering the health data for Kent County. Telephone surveys help to identify target communities based on the health data and health disparities throughout Kent County.

In Phase II there will be planning charrettes in each of the two target communities. The goal is to involve the community, government and others in creating a plan to improve health outcomes.

Phase III will incorporate the health data into a presentation for Kent County and local government. The data will be used to incorporate the health care strategies into the Kent County Comprehensive plan. In the final phase, the information is distributed to the community through websites, social media, and newspapers.

Mr. Pelham inquired how long until this would take place. James advised by November of this year. James added that elements of this model could be used by the CIAC to create public involvement plans and EJ goals.

Ms. Owens-White inquired as to what the Delaware Health Tracker was. James advised that the project would use some of that data, but the project is ground breaking because there has not ever been this kind of collaboration between DNREC and the Division of Public health. I understand that DHSS does not have as much mapping capacity as the Department, but their goal is to begin using GIS data for health care planning. James advised they have not linked public health and environmental impacts.

Mr. Thomas advised that all too often a government body will do a study and then come into the community and tell them what's wrong with them. Community Involvement is after the fact. He would like to see the community asked what they see the problem is. James advised that we weren't involved in the writing of the grant. This was an opportunity to partner with Public Health and Environmental Justice issues. James advised this would be a great public involvement plan and then go to communities.

### **C. Ellendale**

James advised that Sussex County has submitted a plan to the Office of Drinking Water to develop a drinking water system to serve the Town of Ellendale. This system would serve rural Ellendale and the Town of Ellendale. The Ellendale Civic Improvement began meetings with the Town Council members to discuss the plan. Affordability is a major concern.

James advised that in the usual funding process for sewer, the County and State require that the money goes to the town. The Ellendale Town council has to receive the funding and the town must hold a referendum in which only the town residents are eligible to participate in.

James advised in the meeting between the town and the Ellendale Civic Association, they believe there is no way they can get a yes in a referendum with these kinds of costs. They have discussed a charrette involving the people of the town along with the unincorporated community to jointly figure out an affordable plan that would have the support of the town people and the unincorporated community. James added that part of the dialogue has to be economic about development prospects for the entire area so that residents could see the common interests of Town and the unincorporated community. It has to be affordable too, so that they can both get a yes in the referendum. The where and how you want to grow the town.

Mr. Pelham asked if Mr. Truxon was aware of this. James advised that he was in attendance at the meeting about two weeks ago.

Mr. Pelham asked if there was anything specific for the Council to do. Does James foresee a non-profit coming in for financial assistance? James said that the CIAC might want to consider the Town of Ellendale, or the Ellendale Community Civic Improvement Association in a funding application during the next cycle. Mr. Truxon has just stepped down from the Ellendale Civic Association after more than 25 years as President.

#### **D. Claymont Masterplan**

James advised that as a result of the shutdown of Evraz, it has triggered an economic development plan for all of Claymont. A lot of the residents that were involved in the Evraz Claymont Steel air monitoring project participated in this meeting. The use of the Claymont Steel site is in the middle of it all.

WILMAPCO is pulling the community together to look at economic development prospects for the Town of Claymont. He added his is other half of what happens after closure of a site that has had environmental issue with a community. Now is the time to decide on and how to go forward to build a sustainable community.

### **VII. Open Forum**

Mr. Thomas inquired on the status of the Wilmington Recycling Center. James advised they have removed all material on site that belongs to them. The material currently onsite belongs to the Port Contractors. Mr. Pelham asked what their intention is to deal with that material. James advised that the problem the Department is having is that Wilmington Recycling didn't get the material off of the property and agreed they wouldn't challenge the decision, but now aren't honoring the agreement. They are filing a hearing on the penalty request.

Mr. Thomas stated that the stats from the Zoological fund report were impressive, but when you look at the list of schools, Albert Palmer, Bancroft and the other charter school

aren't on the list. He advised all of these schools are largely attended by minorities. Why weren't they involved? James advised that they host a workshop with all of the teachers and the teachers have to sign them up. James advised that they were involved, but chose not to sign up. James advised that he will look into it and report back at the next meeting.

Ms. Owens-White inquired if there is any update on a portal for communities. James advised that we are on this process of developing and updating the CIAC website as a public information portal (grants, public hearings, etc.) Ms. Owens-White stated that we had also talked about placing the final reports on the website for the public to see.

***The meeting adjourned at 11:45 a.m.***